

REMARKS

Entry of the foregoing, and re-examination and reconsideration of the subject application, in view of the amendments above and the remarks below, are respectfully requested.

Status of Claims

By the above amendments, claims 9 and 15 have been amended to more particularly point out the invention. Support for the language "wherein the adhesive material is substantially free of polypropylene" may be found in the written description such as at page 2, lines 3-9, in which the copolymers of the present invention are said to be advantageous over polypropylene; and Examples 1 and 2 which show adhesive materials without polypropylene. New dependent claims 22-23 have also been added. Support for these claims may be found in the written description such as at page 3, line 17 to page 4, line 2.

Upon entry of the foregoing amendments, claims 9-20 and 22-23 will be pending in the application.

Claim Rejections – 35 U.S.C. § 103(a)

In the Office Action, claims 9-10, 12-13, 15-16, and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taft (U.S. Patent No. 3,849,353) in view of Bartz '122 (U.S. Patent No. 3,987,122) or Bartz '433 (U.S. Patent No. 3,868,433) further taken with WO '376 (WO 98/38376) or WO '375 (WO 98/38375) and Ballard (U.S. Patent No. 3,940,525). Claims 11, 14, 17, and 20 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the foregoing references further taken with Kerr (U.S. Patent No. 6,428,873). For the following reasons, these rejections should be withdrawn.

Taft does not disclose or suggest each of the features of the present invention. For example, Taft fails to disclose or suggest a method of making a carpet wherein the adhesive material is substantially free of polypropylene, as recited in claim 1. In fact, Taft teaches just the opposite. In contrast to the present invention, Taft teaches using a hot melt composition that contains 10-85 wt% of an atactic polypropylene. Col. 2, lines

58-68. The atactic polypropylene is said to exhibit improved compatibility with conventional tackifiers. Col. 3, lines 6-7. Thus, Taft clearly fails to disclose or suggest each feature of the present claims.

None of the other applied references remedies the deficiencies of Taft. In this regard, Bartz '122 and '433 were cited to show that polypropylene (PP) and polyethylene (PE) are known carriers in hot melt adhesive compositions. From this teaching, the Office Action appears to assert that it would have been obvious to persons skilled in the art to substitute the PP in Taft for PE. However, the assertion is flawed for two primary reasons. First, Bartz '122 and '433 only teach that PP and PE are known carriers. Taft, on the other hand, does not teach that its PP is a carrier or serves that function. On the contrary, as noted above, Taft teaches that its PP serves as a compatibilizer, which is different from a carrier. Col. 3, lines 6-9 ("Atactic polypropylene exhibits improved compatibility with conventional tackifiers, which property facilitates its use in the composition of this invention."). There is no disclosure in either Bartz '122, '433, or Taft that PE would have this compatibilizer function. As a result, persons skilled in the art would not have concluded that PE is interchangeable with PP in the composition of Taft.

Second, atactic PP is a fundamental component of Taft's hot melt composition. Taft mentions the compound by name (col. 2, line 66), identifies its function (col. 3, lines 6-9), and precedes it with the semi-closed transition phrase "consisting essentially of" (col. 2, lines 58-59). In light of these teachings, substituting the atactic PP with something else would appear to destroy the basic and novel characteristics of Taft's invention. Therefore, contrary to the assertion in the Office Action, Bartz '122 and '433 do not suggest substituting PE for atactic PP in Taft's composition.

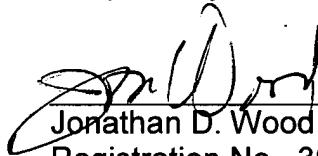
None of the other secondary references was cited to show that atactic PP is interchangeable with PE. As a result, none of these other secondary references remedies the deficiencies of Taft.

From the foregoing, none of the applied references, either alone or in combination, discloses or suggests each of the features of the present claims. Therefore, there is no *prima facie* case of obviousness, and the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), enter the above amendment, remove all rejections, and pass the application to issuance.

Respectfully submitted,



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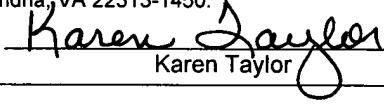
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Karen Taylor

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